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NYS DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION  
BOARD OF PAROLE

\*\*\*\*\*

Parole Board Interview

In the Matter

-of-

DIN # [REDACTED]  
NYSID # [REDACTED]

\*\*\*\*\*

TYPE OF INTERVIEW: Reappearance

HELD AT: Fishkill CF

HELD ON: January 22, 2013

BEFORE: COMMISSIONER FERGUSON  
COMMISSIONER LUDLOW  
COMMISSIONER THOMPSON

VERBATIM REPORTER: Christina M. Wolcott

1 BY COMMISSIONER LUDLOW:

2 Q. Good afternoon. You're [REDACTED]?

3 A. Yes, sir.

4 Q. You are [REDACTED], sir?

5 A. Yes, sir.

6 Q. Good afternoon.

7 A. Good afternoon.

8 Q. [REDACTED], I am Commissioner Ludlow, with me is  
9 Commissioner Ferguson and Commissioner Thompson.

10 COMMISSIONER FERGUSON: Good  
11 afternoon.

12 COMMISSIONER THOMPSON: Good  
13 afternoon, sir.

14 Q. [REDACTED], this is your fourth appearance before the  
15 Board of Parole, sir. You're now 50 years old, is that  
16 correct?

17 A. That's correct.

18 Q. You pled to Murder 2nd, an A-1 felony, sentenced 15  
19 to life. You've been in about 21 years to date, is that  
20 correct?

21 A. That's correct.

22 Q. You have a total of four felonies, including the  
23 instant offense. This is your third state bid, is that  
24 all correct?

25 A. Yes, sir.

1 Q. Okay, sir. We have the sentencing minutes on file  
2 from State Supreme Court, Bronx County, May 5th, 1994,  
3 before Judge Cerbone. You at the time were represented  
4 by Mr. Ventura, correct, sir?

5 A. That's correct, sir.

6 Q. The minutes are on file and are part of the record.  
7 We also have the COMPAS instrument on file. Have you  
8 had the benefit of reviewing your COMPAS risk assessment  
9 instrument?

10 A. Yes, sir.

11 Q. We draw upon the information contained in the COMPAS  
12 to assist us in complying with Executive Law 259C(4),  
13 which requires the Board of Parole to conduct a risk and  
14 needs assessment as a measure of your rehabilitation for  
15 re-entry into the community. In your case, the COMPAS  
16 assessment has you at a low risk for felony violence  
17 arrest or absconding from parole. Do you agree with the  
18 computer in that regard, that you would be a low risk if  
19 on parole?

20 A. Yes, sir.

21 Q. Okay. Underlying offense relates back to March 25th,  
22 1992; that was a bad day --

23 A. Sure was.

24 Q. -- in the Bronx, and you shot a male victim, causing  
25 his death. Was that during the course of a robbery?

1 A. Yes, sir.

2 Q. Did you know the victim?

3 A. No, I didn't.

4 Q. Just a random hit; random choice?

5 A. Yes, sir.

6 Q. Your first felony was 1980, out of the Bronx,  
7 Attempted Grand Larceny 3rd, an E felony; first state  
8 bid 1982, out of the Bronx, Robbery 2nd; second state  
9 bid 1985, out of Brooklyn, Attempted Criminal Possession  
10 of a Weapon 3rd. The instant offense is your third  
11 state bid, is that all correct, sir?

12 A. Yes, it is correct, sir.

13 Q. Okay. Now, over 21 years, would it be fair to say  
14 that you've completed all recommended programs, ART,  
15 ASAT and you have a GED?

16 A. Yes, sir.

17 Q. You've also achieved paralegal assistant status, is  
18 that right?

19 A. Yes, sir.

20 Q. And you've worked as an administrative clerk. Where  
21 have you worked as an administrative clerk?

22 A. I worked as an administrative clerk a couple of  
23 times. My most recent is I work as an administrative  
24 clerk here at Fishkill. I work under the supervision  
25 Senior Offender Rehabilitative Coordinator D. Howard.

1 Q. Okay. You've also been a coordinator in the network  
2 re-entry program?

3 A. Yes. I'm actively in that capacity, as we speak, and  
4 I've been there since August of 2011. I came in as a  
5 regular participant, then I became a facilitator of a  
6 class and then I was promoted to resident coordinator.

7 Q. Okay. No tickets since your last appearance,  
8 correct?

9 A. No, sir, that's correct.

10 Q. You've been in a long time, sir, 21 years. Despite  
11 that, what do you think you can do work wise out there,  
12 and where can you live? What is your thinking?

13 A. My thinking is that I'm capable and responsible of  
14 getting a job in the human services department, that's  
15 where I would like to work helping people with the  
16 similar life background as myself.

17 Q. Human services for whom?

18 A. Human services for people with HIV/AIDS or at risk of  
19 those contracting those diseases, at-risk youth, perhaps  
20 even formerly incarcerated persons.

21 Q. We do have letters of support on file. We always  
22 appreciate third parties sharing their thoughts with us  
23 by correspondence. We have a letter of support from

24 [REDACTED]?

25 A. Yes.

[REDACTED]

1 Q. Croton Falls, New York. Who is [REDACTED] or [REDACTED]  
2 to you?

3 A. He's a friend I -- throughout the years I have done  
4 community outreach work. Through my paralegal studies,  
5 I help people write proposals for grants for  
6 non-profits, I help write business plans, and I've come  
7 across a great deal of people who recognize my skills  
8 and willing to offer me some opportunity upon my  
9 release.

10 Q. Who was the victim you shot back then; who was that  
11 person, do you know?

12 A. This was a person, he was an honest man. After my  
13 attempt to rob [REDACTED], I was -- actually, I was  
14 running from the scene of the crime, and the gentleman  
15 came to the person's aid and, as I drew the weapon that  
16 I had, he got back in his vehicle and I ran down the  
17 street and he pursued me. He was trying to apprehend  
18 me.

19 Q. Okay.

20 A. And --

21 Q. Did he identify himself as law enforcement?

22 A. No, sir.

23 Q. No? Was he in any kind of uniform?

24 A. No, sir.

25 Q. But it turned out that he was an off-duty auxiliary

1 police officer, city of New York?

2 A. I was told that, sir.

3 Q. Okay. Did he have -- did he display a weapon to you?

4 A. No. He was -- it was some kind of bat or a stick he  
5 was trying to hit me with.

6 Q. Okay.

7 A. And, out of panic, I shot.

8 Q. How many times did you fire?

9 A. I'm not even sure, sir. Maybe two or three times.

10 Q. We also have a letter of support from network support  
11 services in Manhattan. You have a letter from [REDACTED]

12 [REDACTED], is that your bride?

13 A. Yes.

14 Q. You were married on the inside?

15 A. Yes. After ten years of knowing her, I married her  
16 at Green Haven, and she's been supporting me for the  
17 most of 20 years.

18 Q. [REDACTED], Fresh Meadows, New York, letter of  
19 support. How do you know [REDACTED]?

20 A. Me and [REDACTED] participated in many programs.  
21 He was incarcerated, we participated in college, which  
22 we both graduated. We also worked in the DMV vocational  
23 training program, where we worked as customer service  
24 agents, we also worked in the prison law library. He  
25 went home and completed parole and has supported my



1 transition and my rehabilitation and has offered to help  
2 me and has helped me throughout my incarceration.

3 Q. We have a letter of assurance of employment from  
4 Edward Renovations, South Ozone Park, indicating you  
5 will have employment with them.

6 A. Yes, sir.

7 Q. Okay.

8 COMMISSIONER LUDLOW: Commissioner  
9 Ferguson?

10 COMMISSIONER FERGUSON: I will also  
11 note there's opposition to your release, which  
12 you're probably aware of, having been before the  
13 Board before. You're saying, when he was trying to  
14 apprehend you -- I mean he's not armed, he doesn't  
15 have a gun and he wasn't even saying to you that he  
16 was an officer, because that would be the only thing  
17 that might prevent you from shooting him.

18 THE INMATE: Yeah. He didn't identify  
19 himself. He was screaming and hollering, telling me  
20 to stop, some other stuff I didn't hear and, at  
21 first, I didn't even know that he was behind me  
22 because he got back in his car and I ran. Next  
23 thing I know, he was behind me, swinging a stick  
24 and, quite frankly, sir, I just panicked. I thought  
25 he was going to hit me with the stick, and I just

[REDACTED]

1 shot aimlessly in his direction, and I'm very sorry  
2 about that, sir. When I committed this crime, I  
3 knew I was doing something wrong, taking somebody's  
4 property. I figure I would scare the person, ask  
5 for his money. He didn't give it to me, and I ran.  
6 I didn't want to hurt that person, and I ran. I  
7 left. I left the person where he was at and, as I  
8 was running, [REDACTED] tried to stop me and I  
9 waived my gun at him and I continued running.

10 Q. You were about 29 at the time?

11 A. Yes, sir.

12 COMMISSIONER LUDLOW: Commissioner  
13 Thompson?

14 COMMISSIONER THOMPSON: No further  
15 questions. Thank you.

16 Q. [REDACTED], anything additional, sir, for us today  
17 that's important to you?

18 A. Yes, sir. I know that this is a difficult decision  
19 to make when somebody takes a person's life. I say to  
20 you, gentlemen, and the lady, Miss Thompson, that I have  
21 done everything in my power to change my thinking and my  
22 behavior, and I have committed the last 21 years of my  
23 life towards that effort and what I've done really  
24 bothers me, and I have transformed what I -- the growing  
25 that I have done into a sincere effort to change my

1 life. I have just ask that you take that into  
2 consideration.

3 Q. Okay.

4 A. I have people that believe in me today. More  
5 importantly I believe that I am capable of being a  
6 responsible husband, parent, mentor and citizen in our  
7 community, and I have some evidence to show you today  
8 that I have developed a work ethic and marketable skills  
9 that will make me a law-abiding person. I don't make no  
10 excuses for the crime that I have committed, except that  
11 there were extenuating factors, but I know that just as  
12 easily I could have purchased drugs or a weapon, I could  
13 have went and purchased a job at a temporary  
14 unemployment agency, or I could have went to a church or  
15 a human services organization and gotten help for the  
16 conditions of my life.

17 Q. Okay.

18 A. And I'm ready to use all available resources --

19 Q. That's very well stated.

20 A. -- upon release.

21 Q. We appreciate that. We have attempted to give you a  
22 full, fair and accurate interview today. In your  
23 opinion, sir, have you received that?

24 A. I think so, sir.

25 Q. You're still a young man at 50. We certainly want

1 you to get your life turned around in a positive,  
2 constructive way. We wish you good luck in that regard,  
3 [REDACTED] We will advise you in writing. Good luck to  
4 you, sir.

5 A. Thank you very much.

6 COMMISSIONER FERGUSON: Have a good  
7 day.

8 (The inmate was excused.)

9 (After due deliberation by the Parole  
10 Board panel, the following decision  
11 was rendered:)

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D E C I S I O N

Parole is denied. Hold 24 months.

Next appearance January 2015.

Following careful review and deliberation of your record and interview, this Panel concludes that discretionary release is not presently warranted due to concern for the public safety and welfare.

The following factors were properly weighed and considered: Your instant offense in the Bronx, in March 1992, involved your fatal shooting of a male victim during the course of an apparent robbery.

Your criminal history includes weapon, robbery and larcenous related offenses.

Your institutional programming indicates progress and achievement, which is noted to your credit. Your disciplinary record appears clean since your last Board appearance.

You have approximately four felonies. This is your third state bid. All required factors in the file have been considered. Required statutory factors have been considered, including your risk to the community, rehabilitation efforts and your needs for successful community re-entry.

1                   Your discretionary release at this  
2           time would thus not be compatible with the welfare  
3           of society at large and would tend to deprecate the  
4           seriousness of the instant offense and undermine  
5           respect for the law.

6  
7                   (All commissioners concur.)

8  
9                   C E R T I F I C A T I O N

10  
11                   I hereby certify that the proceedings and  
12           evidence are contained fully and accurately in the notes  
13           taken by me on the above cause and that this is a correct  
14           transcript of the same to the best of my ability.

15  
16  
17                   Christina M. Wolcott